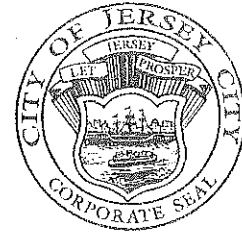


City Clerk File No. Ord. 15.132

Agenda No. 3.A 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.132
ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING
TITLE: AMENDMENTS FOR THE ADDITION OF AN ART GALLERY USE TO CHAPTER 345
ARTICLE I, (DEFINITIONS) AND ARTICLE V, SECTION 60 – SUPPLEMENTARY ZONING

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-62, may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-64, has sought and received the recommendations of the Jersey City Planning Board relative to these issues; and

WHEREAS, there is a need to allow an art gallery use throughout all of Jersey City; and

WHEREAS, a permitted gallery use will allow for greater opportunity to encourage the development of new businesses and cultural resources in, existing, or zoned non-residential spaces; and

WHEREAS, the Planning Board voted to recommend adoption of this amendment by the Municipal Council at their September 1, 2015 regular meeting;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the Jersey City Land Development Ordinance, be and is hereby amended as follows (Material indicated by strikethrough ~~like this~~ is existing material that is intended to be deleted. Material indicated by bold italic *like this* is new material that is intended to be enacted):

Amendment to Jersey City Land Development Ordinance for Chapter 345, Article I, Section 6.
Definitions
345-6.

Art Gallery – Space for the display, appreciation, and sale of objects of art

Amendment to Jersey City Land Development Ordinance for
Chapter 345, Article V, Section 60 – Supplementary Zoning

345-60. – Supplementary Zoning Regulations

A-X. Unchanged

Y. Art Gallery:

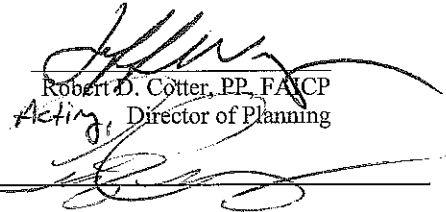
1. Permitted in all existing non-residential spaces or zoned non-residential spaces. In no instance shall an art gallery be considered a theater.

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS FOR THE ADDITION OF A GALLERY USE TO ARTICLE V, SECTION 60 – SUPPLEMENTARY ZONING

- 2. Studio workspace is prohibited where not already permitted.**
- 3. All noise and entertainment shall be regulated by Chapters 157 (Entertainment License) and 222 (Noise) of the Jersey City Code.**
- 4. Signage shall be regulated by 345-68. The type and size of the signage shall be limited to the retail use signage standards for the zone where the space exists. If there are no applicable retail standards, signage shall be limited to a maximum 6 sq ft.**
- 5. Any work on a building which is an individual landmark or is within in a Historic District shall be first be subject to approval from the Historic Preservation Commission under the provisions of § 345-30. - Historic preservation review procedures.**

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is hereby directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.


Robert D. Cotter, PP, FAICP
Acting Director of Planning

APPROVED AS TO LEGAL FORM

APPROVED: 

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐
Not Required ☐

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS FOR THE ADDITION OF AN ART GALLERY USE TO ARTICLE I, (DEFINITIONS) AND ARTICLE V, SECTION 60 – SUPPLEMENTARY ZONING

Initiator

Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, FAICP	Director
Phone/email	201-547-5010	bobbyc@jenj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

The purpose of this ordinance is to recognize and respond to the need to permit art galleries in all districts throughout Jersey City. Currently, the Jersey City Land Development Ordinance does not define or list art galleries as a permitted use in any district. This would allow them to exist in any space that exists or zoned as non-residential.

The standards for this use are listed in the Supplementary zoning section of the ordinance and speak to limiting entertainment, and specifying review by the Historic Preservation Commission when the property is within the Historic district or is a landmark.

 9/2/15

I certify that all the facts presented herein are accurate.


Signature of Department Director

Date

City Clerk File No. Ord. 15.133

Agenda No. 3.B 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.133
ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF
TITLE: GOVERNMENT), ARTICLE XI (DEPARTMENT OF PUBLIC SAFETY), SUB-ARTICLE I
(DIVISION OF POLICE) OF THE JERSEY CITY MUNICIPAL CODE

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

A. The following supplement to Chapter 3 (Administration of Government), Article XI (Department of Public Safety), Sub-Article I (Division of Police) of the Jersey City Code is adopted:

ARTICLE XI **Department of Public Safety** **SUB-ARTICLE I** **Division of Police**

§3-85.1 Off-duty employment.

- A. Definitions. As used in this section, the following terms shall have the following meanings unless the context clearly indicates otherwise:
- (1) "Alcohol Beverage Control premise" means one which is licensed by the Alcohol Beverage Control Board.
 - (2) "Director of Public Safety" means the Director of Public Safety or his or her designee.
 - (3) "City Owned Facility" means any property owned by the City of Jersey City rented by individuals or entities for the purpose of a privately held function.
 - (4) "Large Commercial Establishment" means a commercial establishment such as a store, bank or financial institution of four thousand (4,000) square feet or more or one (1) which is part of a franchise, chain or multi-store complex.
 - (5) "Construction Sites":
 - (a) "City Projects" means any construction project performed by a vendor pursuant to a contract with the City of Jersey City for a public project in City-owned or leased buildings or on City-owned or leased properties.
 - (b) "Private Contractor Projects" means:
 - (i) Any construction project other than a City Project as defined above; and
 - (ii) Construction projects for an owner occupied class 2 residential property (one (1) to four (4) units).
 - (6) "Employer" or "prospective employer" means a prospective employer of off-duty officers.
 - (7) "Event requiring major or unusual crowd control" means:
 - (a) An event where five thousand (5,000) people or more expected to attend, such as an athletic event; and

- (b) Any event where alcohol will be served; and
 - (c) Any event which in the opinion of the Director Public Safety will produce an unusual amount of vehicular or pedestrian traffic.
- (8) "Film Production Sites" include, but are not limited to, movie sets, television productions, and photography.
 - (9) "Holidays" are defined only as New Years Eve, New Years Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day following Thanksgiving Day, Christmas Eve and Christmas Day, and only those dates officially observed.
 - (10) "Person" means any individual, corporation, partnership or organization unless the context clearly indicates otherwise.
 - (11) "Superior Officer" means Sergeant, Lieutenant, or Captain.
 - (12) "Tax Exempt Organization" means a non-profit organization as defined by state or federal law.
 - (13) "Crossing Guards" means City personnel who regulate and direct the movement of pedestrians through traffic.
 - (14) "Off-Duty Personnel" shall mean Police Officers and Guards if applicable, Crossing Guards.
 - (15) "Office of Off-Duty Employment" means the office responsible for coordinating off-duty assignments and billing of off-duty police work.
 - (16) "Off-Duty Employment Intake Manager" means the civilian employee of the Public Safety Department who manages off-duty personnel requests and coordinates the number of off-duty personnel assigned to each work site, the Off-Duty Employment Intake Management reports to the Director of Public Safety.
 - (17) "Off-Duty Employment Intake Manager" means the civilian employee of the Public Safety Department who manages off-duty personnel requests and coordinates the number of off-duty personnel assigned to each work site, the Off-Duty Employment Intake Management reports to the Director of Public Safety.
- B. Purpose. For the convenience of those persons who utilize the services of off-duty personnel of the Jersey City Police Department, and to authorize the outside employment of Police Officers and Crossing Guards while off-duty, the City of Jersey City hereby establishes this policy. With regard to Police Officers only, this policy complies with Attorney General Formal Opinion 1977-No. 23. In limited situations involving pedestrian safety, Crossing Guards may be substituted for Police Officers at the discretion of the Off-Duty Employment Intake Manager.
- (1) Off-duty personnel, at their option, shall be permitted to accept employment from private employers, who are separate and independent from the City of Jersey City, only during off-duty hours and at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty of the City; provided, however, that no off-duty personnel may work within a premises licensed by the Alcohol Beverage Board, including, but not limited to, bars, taverns, nightclubs that serve alcoholic beverages, liquor stores, or restaurants with liquor licenses. Off-duty personnel are not permitted on the "licensed premise" itself, which is the area licensed for alcohol consumption, retail sale or storage; provided further that no off-duty personnel may accept off-duty employment under this ordinance by any governmental agency of the City of Jersey City other than the Jersey City Housing Authority.
 - (2) Prospective employers of off-duty personnel shall: 1) obtain the prior written approval of the Off-Duty Employment Intake Manager, which approval shall be

granted if, in the opinion of the Off-Duty Employment Intake Manager, under the authority of the Director of Public Safety, such employment is necessary and would not be inconsistent with the efficient functioning and good reputation of the Police Department and would not unreasonably endanger or threaten the safety of the off-duty personnel who are to perform the work.

- (3) Upon approval by the Off-Duty Employment Intake Manager, the amount estimated to pay for the off-duty employment shall be deposited in the trust account established under subsection C.
- (4) No off-duty personnel shall be paid directly by any employer for requested services, nor provide services for more hours than specified in the request for services.
- (5) The Director of Public Safety is empowered to promulgate regulations and policies to effectuate this section.

C. Trust account established.

- (1) To assure the timely payment of wages to off-duty personnel who perform off-duty work, and to meet the requirements of the Fair Labor Standards Act, the City of Jersey City has established a trust account known as the "Off-Duty Employment Trust Account." This trust account is dedicated for the receipt of fees collected for the payment for off-duty employment. The "Off-Duty Employment Trust Account" shall be administered by the Off-Duty Billing Coordinator who shall make a written report to the Director of Public Safety and the Fiscal Officer every ninety (90) days regarding said account. Payments to off-duty personnel shall be on a biweekly basis with all appropriate deductions. All payments must be remitted directly to the City of Jersey City for said account. Deposits shall be in the form of certified check, bank check, money order, business check, credit card or electronic payment at the discretion of the Fiscal Officer.
- (2) Hour estimate:
 - (a) Hours Known: A prospective employer of off-duty personnel shall estimate the number of hours and days required. The estimate shall be approved in writing by the Off-Duty Employment Intake Manager and an amount sufficient to cover the rates of compensation and administrative fees set forth in subsection D for the total estimated hours of service shall be deposited into the Trust Account.
 - (b) Hours Unknown or In Excess of Ten (10) Days: In any instance where the number of hours cannot be reasonably estimated or is anticipated to be in excess of ten (10) days, a prospective employer shall deposit an amount sufficient to cover the rate of compensation and administrative fees set forth in subsection D for the equivalent of ten (10) days prior to the commencement of any services. Any unused portion of the deposit shall be returned or credited against the final amount owed.
- (3) Before posting any request for services of off-duty personnel, the Off-Duty Employment Intake Manager shall verify that the balance in the trust account of the prospective employer is sufficient to cover the compensation and fees for the number of hours specified in the request. The Off-Duty Employment Intake Manager shall not post a request for services unless all fees and compensation required in the manner described above have been deposited in the trust account.
- (4) Depletion of Funds in a Trust Account for any Individual Person or Entity: In the event the funds in any individual or entity's trust account should become depleted, services of off-duty personnel shall cease, and requests for further or future services shall not be posted until additional funds have been deposited in the trust account in the manner prescribed above. In the event of an unforeseen emergency situation that would require off-duty personnel to remain beyond the time for which funds have been posted, the Off-Duty Employment Intake Manager may

waive the requirement for posting additional funds after the first ten (10) hours for any employer exhibiting a previous satisfactory payment history. However, payment for the additional hours shall be made within forty-eight (48) hours.

- (5) A prospective employer shall be responsible for ensuring that sufficient funds remain in the trust account in order to avoid any interruption of services. In the event of a project which requires services over an extended period the Off-Duty Billing Coordinator may require advance payment equal to twenty-five (25) percent of the projected extended time period with additional twenty-five (25) percent advances as a project continues.
- (6) Exemption. Public utility companies under the jurisdiction of, and regulated by, the New Jersey Board of Public Utilities and the Jersey City Housing Authority are exempt from the provisions set forth in this section requiring advance payment to the trust account; providing, however, that there are no amounts previously due that are outstanding for a period in excess of fifteen (15) days. Any such delinquent balances shall require advance payment of the amount outstanding prior to any off-duty personnel engaging in any further off-duty assignments.

D. Requests for services.

- (1) Requests for the services of off-duty personnel for a period of one week or longer shall be forwarded to the Off-Duty Employment Intake Manager at least ten (10) days before such services are required. The Off-Duty Employment Intake Manager will compile a list of available Police Officers and/or Crossing Guards to perform the requested services.
- (2) Requests for the services of off-duty personnel for a period of less than one (1) week shall be forwarded to the Off-Duty Employment Intake Manager as soon as practicable, but in no event less than twenty-four (24) hours before such services are required, except in emergency situations.
- (3) In emergency situations, requests for services shall be made, as necessary, to the Off-Duty Employment Intake Manager who shall make every effort to accommodate such request in a reasonable manner in his or her discretion. If the emergency is imminent, the Director of Public Safety shall also have the ability to deploy off-duty personnel on an emergent basis. Any off-duty personnel, when so employed by private employers shall be compensated at the rates set forth in subsection D, hereafter. All payments in emergency situations shall be made within forty-eight (48) hours. Completed claim forms are to be provided to the Police Officer at the time the services are rendered and the Police Officer shall deliver same to the Off-Duty Employment Intake Manager.
- (4) In the event an Off-Duty Police Officer or Crossing Guard is unavailable to perform an assignment, the Off-Duty Employment Intake Manager will notify the next available Police Officer(s) or Crossing Guard(s) on the off-duty assignment list of the availability of the assignment until the assignment is filled. A Police Officer need not accept an off-duty assignment that does not guarantee a minimum of four (4) hours of off-duty employment. However, a Police Officer, at his or her discretion, may accept an off-duty assignment that provides less than four (4) hours of off-duty employment.
- (5) One (1) off-duty Superior Officer must be assigned for every ~~twelve (12)~~ thirty (30) off-duty Police Officers deployed. An off-duty Superior Officer's command is not limited to any one (1) specific project. The supervisor will be responsible for all off-duty Police Officers designated to his or her command irrespective of where those off-duty personnel are assigned. The cost of the off-duty supervisor shall come from the administrative fees paid by the employers.
- (6) In special circumstances the Off-Duty Employment Intake Manager, may, in consultation with the Director of Public Safety, assign a supervisor to oversee a

specific off-duty assignment if the Off-Duty Employment Intake Manager believes it is necessary to ensure the health, safety and welfare of the public.

E. Rates of compensation; administrative fees; payment for services.

- (1) Rates of compensation for the services of off-duty personnel are established as follows:

COMPENSATION FOR POLICE OFFICERS

CONSTRUCTION SITES	COMMERCIAL ESTABLISHMENTS	TAX EXEMPT ORG.
CITY PROJECTS \$35.00/hour SAT TIME & A HALF SUN-HOLIDAYS DOUBLE TIME AFTER 4 PM - Additional \$10.00/hour PRIVATE CONTRACTORS As Defined in A5(b)(i) SAT TIME & A HALF SUN-HOLIDAYS DOUBLE TIME AFTER 4 PM - Additional \$10.00/hour \$50.00/hour PRIVATE CONTRACTORS As Defined in A5(b)(ii) \$35.00/hour	Banks or Financial Institutions \$40.00/hour Other Commercial Establishments: OVER 4,000 SQ FT. \$40.00/hour Other Commercial Establishments UNDER 4,000 SQ Ft. \$25.00	\$35.00/hour
LARGE EVENTS UNDER 5,000 PEOPLE	LARGE EVENTS UNDER 5,000 PEOPLE	FILM PRODUCTION SITES
(Except City-Owned Facility Events) \$50.00/Hour <i>With alcohol present</i> \$55.00/hour	\$65.00	\$55.00/Hour
OUTSIDE AN ALCOHOLIC BEVERAGE CONTROL LICENSED PREMISE		CITY OWNED FACILITY
\$55.00/Hour		\$35.00/hour

Compensation for Crossing Guards: For pedestrian safety \$10.00/hour.

- * Employers are not charged directly for Superior Officers assigned pursuant to this ordinance, or any regulations or directives promulgated in furtherance of this ordinance. Superior Officers will receive compensation directly from the City at a rate of \$10.00 per hour higher than the highest paid off-duty Police Officer under his or her immediate supervision in a given off-duty assignment.

UNLESS STATED IN THE ABOVE TABLE, NO NIGHT, WEEKEND OR HOLIDAY DIFFERENTIAL

- (2) Any off-duty assignments over eight (8) hours shall be paid at a time and a half rate beginning with the ninth hour.

- (3) Fee for police vehicle and fuel per hour or part thereof: \$10.00. The necessity for a police vehicle at a particular site will be at the determination of the Off-Duty Employment Intake Manager.

F. Administrative Costs. An additional fee of [~~\$8.00~~] \$12.00 per Police Officer/Crossing Guard per hour is hereby established to cover administrative costs, overhead and out-of-pocket expenses of the City. This additional fee shall not be charged to a nonprofit organization for an event in a City-owned building nor to the Jersey City Housing Authority. The aforesaid rates shall be reviewed every three (3) years commencing January 1, 2014.

The Off-Duty Employment Intake Manager or the Director of Public Safety may adjust or waive the administrative fees in cases in which the fee here described would result in undue hardship, be prohibitive or would otherwise undermine the interest of public safety.

G. Cancellation. If a prospective employer fails to notify the Off-Duty Employment Intake Manager at least twelve (12) hours before the commencement of services that those services are no longer needed, and the off-duty Police Officer(s) or Crossing Guard(s) arrive for the assignment, the prospective employer shall compensate the Police Officer(s) or Crossing Guards for four (4) hours, and those off-duty Police Officer(s) or Crossing Guard(s) will be moved to another off-duty job, if available.

H. Public Emergency. The Director of Public Safety, Chief of Police, or ranking Chief of Patrol shall have the authority to order any off-duty personnel engaged in off-duty assignments to respond to an emergency. The Director of Public Safety may terminate an assignment whenever said assignment creates an unacceptable risk to the off-duty Police Officer or Crossing Guard or to the citizens of the City. If an off-duty assignment is cancelled or terminated by the Director of Public Safety, the employer shall not be responsible for any compensation or fees until the Police Officer or Crossing Guard returns to the assignment.

B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

C. The City Clerk shall have this ordinance codified and incorporated in official copies of the Jersey City Code.

D. This ordinance shall take effect at the time and in the manner as provided by law.

E. The City Clerk and the corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All new material is underlined; words in [brackets] are omitted.
For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.

JM/he
9/15/15

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT), ARTICLE XI (DEPARTMENT OF PUBLIC SAFETY), SUB-ARTICLE I (DIVISION OF POLICE) OF THE JERSEY CITY MUNICIPAL CODE

Initiator

Department/Division	Public Safety	Police
Name/Title	James Shea/Bob Kakoleski	P.S. Director/BA
Phone/email		

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

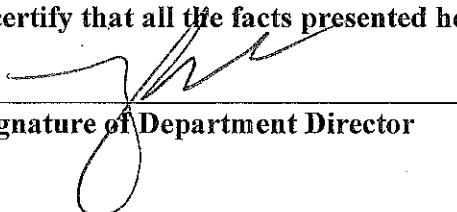
Resolution Purpose

The State of New Jersey's Local Finance Notice 2000-14 says in setting fair wage rates for the officers, the municipality may establish fees to recoup the costs associated with the administration of the Off-Duty or Outside Employment Program. In 2013, the original ordinance was amended to increase the hourly administration fee from \$5.00 p/h to \$8.00 p/h for every officer detail. The previous \$5.00 rate was sufficient to cover the program's administrative costs. Because of the number of assignments per day, Police management determined additional supervision was required without depleting the "on-duty patrols". The \$3 increase was to cover the assignment of "off-duty" supervisors to the program at a ratio of 1 supervisor for every 12 officers. After a budgetary review of the program, it has been determined that the existing administrative fee is not sufficient to cover the costs of the program as well as the costs of the assigned supervisors. In 2012, the program generated \$1,000,000 to cover the programs operating costs which didn't include police supervisors.

In 2015, that number is anticipated to be \$274,000. We are not collecting enough to support the supervisors and the administrative costs in direct contradiction with the LFN and purpose of the "admin fee".

Therefore, this ordinance is requesting to increase the administration fee from \$8.00 per hour to \$12.00 and change the supervisor ratio from 1 for every 12 officers to 1 for every 30 officers.

I certify that all the facts presented herein are accurate.

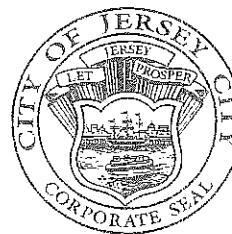

Signature of Department Director


Date

City Clerk File No. Ord. 15-134

Agenda No. 3.C 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 15-134

TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING THE SCATTER SITE REDEVELOPMENT PLAN

WHEREAS, the Municipal Council seeks renewed investment and development within the redevelopment area; and

WHEREAS, the Scatter Site Redevelopment Plan was written to amend, rename and supersede the Vacant Buildings Redevelopment Plan that was most recently amended on September 09, 2015; and

WHEREAS, at a public meeting held on August 19, 2015, the Municipal Council of the City of Jersey City adopted resolution 15-582, declaring the New Vacant Buildings Study Area as an "area in need of redevelopment" which was recommended by the Jersey City Planning Board at its regular meeting of July 21st, 2015; and

WHEREAS, the 18 properties identified as vacant in the New Vacant Buildings Study Area, excepting 208 C. Columbus Drive, are to be the only properties to remain within the Scatter Site Redevelopment Plan; and

WHEREAS, all properties listed in the Vacant Buildings Redevelopment Plan other than the 18 properties included as part of the New Vacant Buildings Study Area shall be regulated according to the Jersey City Zoning Map.

WHEREAS, the attached Scatter Site Redevelopment Plan has been reviewed by the Jersey City Planning Board at its meeting of October 6, 2015; and

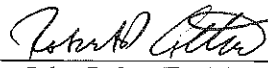
WHEREAS, the Planning Board voted favorably to recommend adoption of the Scatter Site Redevelopment Plan to the Municipal Council; and

WHEREAS, a copy of the Scatter Site Redevelopment Plan is attached hereto and made a part hereof, and is available for public inspection at the Offices of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ; and

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the attached Scatter Site Redevelopment Plan be, and hereby is, adopted as recommended by the Jersey City Planning Board.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.


Robert D. Cotter, PP, FAICP, Director
Division of City Planning

APPROVED AS TO LEGAL FORM

APPROVED: 

APPROVED: _____

Corporation Counsel

Business Administrator

Certification Required ☐

Not Required ☐

ORDINANCE/RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution/ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution/ordinance.

Full Title of Ordinance/Resolution**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING THE SCATTER SITE REDEVELOPMENT PLAN****Initiator**

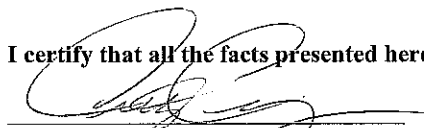
Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, FAICP	Director
	Matt Ward, PP, AICP	Senior Planner
Phone/email	201-547-5010	bobbyc@jcnj.org / mward@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Purpose

This ordinance adopts the Scatter Site Redevelopment Plan. The Redevelopment Area consists of properties identified in the New Vacant Buildings Study Area that was adopted by the Municipal Council by resolution 15-582 in August 2015. The plan area includes those 18 properties identified in the aforementioned study area and resolution which are scattered throughout the City of Jersey City. All properties at the time of designation were determined to be vacant. The objective of this Plan is to reduce the amount of vacant buildings citywide. This plan shall amend, rename and supersede the Vacant Buildings Redevelopment Plan and all properties listed in the Vacant Buildings Redevelopment Plan other than the 18 properties included as part of the New Vacant Buildings Study Area shall be removed.

I certify that all the facts presented herein are accurate.


Signature of Department Director


Sept 17th 2015
Date

~~Vacant Buildings~~ **SCATTER SITE** Redevelopment Plan

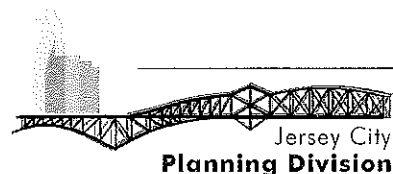
Adopted August 18, 1999
Amended September 8, 1999
Amended January 14, 2004
Amended February 14, 2007
Amended September 9, 2015

~~Formerly known as the Vacant Buildings Redevelopment Plan~~

Text that is added to various plans is in bold, underlined and highlighted **like this**.

Text to be omitted by a is strikethrough ~~like this~~.

Text to be omitted for a floor amendment is strikethrough , bold and italics ~~***like this***~~.



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INTRODUCTION

The purpose of the Scatter Site Redevelopment Plan is to foster the rehabilitation and redevelopment of vacant and dilapidated structures in order to bring them back into productive use -- as assets to the neighborhoods and contributors to the tax rolls. As properties are rehabilitated or redeveloped either through private or public investment, the Scatter Site Redevelopment Plan will be amended intermittently to remove productive properties from the plan.

On January 13, 1999, the Municipal Council of the City of Jersey City passed a resolution authorizing the planning board to conduct a preliminary investigation to determine if the properties contained within the Vacant Buildings Study Area (hereinafter referred to as the Study Area) qualifies as an area in need of redevelopment. Following such a determination, and adoption of such determination by the Council, it is required that a Redevelopment Plan also be adopted. This document is the proposed Redevelopment Plan (hereinafter referred to as the Plan) for the proposed Vacant Buildings Redevelopment Area (hereinafter referred to as the Redevelopment Area).

On May 13, 2015, the Municipal Council of the City of Jersey City passed a resolution 15-318 authorizing the planning board to conduct a preliminary investigation to determine if a ~~second round of vacant buildings called the~~ New Vacant Buildings Study Area (hereinafter referred to as the Study Area) qualifies as an area in need of redevelopment. Following such a determination, and adoption of such determination by the Council, it is required that a Redevelopment Plan also be adopted. ~~In lieu of a new redevelopment plan, this plan is being amended to include the properties identified as an area in need of redevelopment in the New Vacant Buildings Study Area.~~ This document is the proposed Redevelopment Plan (hereinafter referred to as the Plan).

I. BOUNDARY DESCRIPTION

The Redevelopment Area consists of scatter site properties throughout the City of Jersey City that were identified in the 2015 New Vacant Buildings Study Area (table 1). At a meeting held on August 19, 2015, the Municipal Council of the City of Jersey City adopted a Resolution (Number 15-582). Resolution 15-582 designated the study area referenced above, excepting floor amendments regarding 208 C. Columbus Drive, as an "Area in Need of Redevelopment" pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

The Redevelopment Area consists of those Vacant Building Study Area and New Vacant Buildings Study Area properties that were recommended to the Municipal Council by the Planning Board to be declared an area in need of redevelopment (Table 1). These properties are scattered throughout the City of Jersey City.

Table 1: Vacant Buildings Redevelopment Area **Boundaries** Properties

ADDRESS	BLOCK	LOT
332 Whiton Street	19005	30
248 Grove Street	14103	54
18 McDougall Street	18704	12
67 Clerk Street	23301	15
165 Clerk Street	22701	9
163 Clerk Street	22701	10
9 Myrtle Avenue	23703	13
35 Dwight Street	25202	14
167 Armstrong Avenue	25601	13
329 Forrest Street	21101	26
182 Claremont Avenue	22503	58
81 Orient Avenue	22503	34
2131 Kennedy Boulevard	22303	30
142 Boyd Avenue	20502	58
404 Palisade Avenue	3903	18
80 Bowers Street	2205	45
354 Ogden Avenue	2404	9
671 Palisade Avenue	1702	2
172-174 First Street	11502	12
248 Grove Street	14103	54
212 York Street	14102	17
48 Wayne Street	12901	19
353-357 Grove Street	-----	-----
517 Manila Avenue	8803	6
277 Grove Street	12905	20
75 Erie St.	11205	24
93 Erie St.	11204	2
231 Seventh Street	11203	12
103 Erie St.	11203	22
231-233 Eighth Street	10005	12
113 Wayne Street	12802	15
306 Second Street	11108	31
286.5 Sixth Street	11202	38
266 Sixth Street	11202	26
130 Coles Street	10006	44
132 Coles St.	10006	45

ADDRESS	BLOCK	LOT
128 Bright St.	13901	22
325 Fourth Street	11101	8
317 Fifth St.	11208	15
325 Fifth St.	11208	10
91 Coles Street	11209	18
303 Seventh Street	11201	12
327.5 Eighth Street	10007	7
387 Monmouth Street	11005	15
417 Monmouth Street	9902	16
333 Fourth Street	9902	14
342 Fifth Street	9905	32
479 Monmouth Street	9908	27
379 First Street	12603	14
407 Third Street	11008	7
12 Magnolia Avenue	9705	35
153 Chestnut Avenue	9601	25
159 Palisade Avenue	5904	22
33 Concord Street	6808	17
35 Concord Street	6808	16
398 Baldwin Avenue	6808	32
42 St. Paul's Avenue	6802	24
63-65 Fleet St.	6806	8
59 St. Paul's Avenue	6807	9
57 St. Paul's Ave.	6807	10
100 Hopkins Avenue	5704	25
43 Central Avenue	6603	28
139 Laidlaw Avenue	5602	20
126 Beacon Avenue	5602	37
188 Tonnele Avenue	7801	14
86 Liberty Avenue	6304	34
34 Covert Street	5301	27
96 Laidlaw Avenue	5706	33
100 Laidlaw Avenue	5706	35
165 Oakland Avenue	4901	26
126 Ogden Avenue	5202	14
19 Sherman Ave.	4402	28
153 New York Avenue	4505	23

ADDRESS	BLOCK	LOT
132 New York Avenue	4504	5
3 Cambridge Avenue	4404	37
61 Hutton St.	4406	6
62 Sherman Avenue	4502	8
183 New York Avenue	4503	20
169 New York Avenue	4503	27
166 New York Avenue	3901	4
247 Ogden Avenue	3903	51
107 Mountain Road	3904	44
51 Hancock Avenue	3802	14
69 Griffith St.	3805	3
71 Griffith Street	3805	2
235 New York Avenue	3805	5
87 Bowers Street	2903	3
84 Griffith Street	2904	27
258 New York Avenue	3001	41
420 Central Avenue	2201	22
193 Sherman Avenue	2205	31
176-182 Sherman Avenue	2301	2
554A Palisade Ave.	2401	25
385 Ogden Avenue	2401	31
86 South Street	2203	41
88-90 South Street	2203	42
35 Hague Street	503	2
543 Central Ave.	803	25
507 Central Ave.	1505	28
22-24 Paterson Street	1506	33
159 Congress Street	1503	7
64 Beach Street	4301	32
1023 Summit Ave.	2705	17
1021 Summit Ave.	2705	18
231 South Street	2104	10
3673 Kennedy Blvd.	403	32
286 Manhattan Avenue	3305	1
117 Lake St.	4603	12
3199 Kennedy Blvd	5401	16
171 Liberty Avenue	5304	14
491 Tonnele Avenue	3201	29

ADDRESS	BLOCK	LOT
112 Greenville Avenue	28002	18
26 Terhune Avenue	26902	16
279 Armstrong Ave.	25401	21
378 Armstrong Avenue	24703	63
268 Woodlawn Avenue	24804	40
79 Bergen Avenue	24801	14
77 Bergen Avenue	24801	15
270 Dwight Street	23903	23
161 Bergen Ave.	23001	30
155 Bergen Avenue	23001	33
224 Bergen Ave.	23103	45
134 Bostwick Ave.	23103	37
85-87 Bostwick Ave.	23501	4
71 Bostwick Ave.	23501	10
111 Bostwick Ave.	23405	22
109 Bostwick Ave.	23405	23
240 Bayview Avenue	23404	52
148 Bayview Avenue	23502	82
162 Bayview Avenue	23502	89
184 Bayview Ave.	23502	100
141 Wilkinson Avenue	23502	19
145 Bayview Avenue	24001	13
175-175A Bayview Ave.	24001	4
146 Bidwell Avenue	24001	65
207 Bayview Ave.	23403	25
228-230 Stegman Street	23401	29
183 Wegman Parkway	25001	6
155 Bidwell Avenue	24002	18
98 Van Cleef Street	24002	69
96 Van Cleef Street	24002	68
232-234 Dwight Street	24905	31
228 Dwight Street	24905	30
86 Woodlawn Avenue	25805	1
101 Fulton Ave.	25803	9
138 Woodlawn Avenue	25703	36
168 Woodlawn Ave.	25603	37
222 Armstrong Avenue	24902	30
30 Bergen Ave.	24902	5

ADDRESS	BLOCK	LOT
155 Woodlawn Avenue	25602	16
123 Woodlawn Avenue	25702	10
94-96 Armstrong Avenue	25802	40
98-100 Armstrong Ave.	25802	41
81 Woodlawn Avenue	25802	14
90 Armstrong Avenue	25802	38
407 Ocean Avenue	25802	25
111 Armstrong Ave.	25701	19
80 Van Nostrand Ave.	25801	33
82 Van Nostrand Ave	25801	34
205 Armstrong Ave	24901	11
383 Ocean Avenue	26501	29
50 Stevens Avenue	26501	56
45 Stevens Avenue	26502	9
119 Rutgers Avenue	26403	18
40 M.L. King Drive	26404	42
99 Rutgers Avenue	26404	13
44 Warner Avenue	26503	47
63 Wade St.	26503	3
2 Warner Avenue	26503	33
18 Martin Luther King Drive	27002	19
93 Warner Avenue	27003	2
91 Warner Ave.	27003	3
58 Rose Avenue	27102	3
13 Sheffield Street	27203	5
1700 Kennedy Blvd	28601	28
109-111 Old Bergen Road	29601	38
94 Pamrapo Avenue	29801	84
9 Pamrapo Avenue	29902	41
71 Pamrapo Ave.	29902	16
116 Seaview Avenue	29301	27
113 Ocean Avenue	29302	24
33 Bartholdi Ave.	29303	5
42 Bartholdi Ave.	29304	38
38 Neptune Avenue	30102	27
292 Princeton Avenue	29505	28
44 Pearsall Avenue	29503	33
13 Cator Avenue	28902	10

ADDRESS	BLOCK	LOT
370 Princeton Avenue	28904	12
13 Van Nostrand Avenue	26602	27
37 Van Nostrand Avenue	26602	17
38 Van Nostrand Avenue	25901	43.02
42 Armstrong Ave.	25902	34
46 Woodlawn Avenue	25903	56
631 Garfield Avenue	24102	38
60 Bidwell Avenue	24101	67
47 Arlington Avenue	23603	10
15-17 Wright Avenue	10301	81
11-13 Wallis Ave.	10203	70
225 Freeman Avenue	14601	5
294 Duncan Avenue	14602	41
211 Plainfield Avenue	14602	1.02
203 Nunda Avenue	14701	14
229 Duncan Avenue	16101	15
76 Condict Street	16101	69
24 Delaware Avenue	18205	20
26 Roosevelt Avenue	18206	38
569 Westside Avenue	18206	28
204 Lexington Avenue	19201	89
187 Lexington Avenue	19202	20
289 Grant Avenue	22202	12
158 Grant Avenue	22402	13
266 Claremont Avenue	22304	22
285 Bergen Ave.	22403	11
299-301 Bergen Avenue	22404	18
207 Virginia Avenue	20901	21
161 Virginia Avenue	21002	11
156 Virginia Avenue	21001	32
144-46 Virginia Avenue	21001	28
12 Boyd Ave.	19404	34
403 Bergen Avenue	19404	26
461 Bergen Avenue	18402	15
41 Oxford Avenue	18402	4
68 Lexington Avenue	19301	39
70-72 Lexington Avenue	19301	40
477 Bergen Ave.	18403	25

ADDRESS	BLOCK	LOT
479 Bergen Avenue	18403	24
149 Clinton Avenue	18403	16
745 Communipaw Avenue	18302	22
159 Harrison Avenue	18406	10
176 Harrison Avenue	17804	11
37 Bentley Avenue	17803	7
41 Bentley Avenue	17803	5
736 Westside Avenue	16401	80
242 Jewett Ave	16401	59
673 Bergen Ave	16502	27
675 Bergen Avenue	16502	27
669 Bergen Avenue	16502	28
108 Duncan Avenue	16301	51
142 Duncan Avenue	16301	59
128 Glenwood Ave	13204	58
102 Dekalb Avenue	13201	21
25 Weldon St	12007	20
851 Pavonia Ave.	10503	5
401 Summit Avenue	10704	10
445 Mercer Street	12406	10
475 Mercer Street	13502	10
70 Jordan Avenue	12201	4
527 Mercer Street	13503	1
208 Summit Avenue	15103	20
681 Montgomery Street	15102	1
1 Orchard Street	15201	49
78 Storms Avenue	15201	24
108 Storms Avenue	15004	28
33-35 Storms Ave.	15203	27
24 Reed Street	15002	28
54 Jewett Avenue	16801	38
52 Jewett Avenue	16801	37
53 Gardner Avenue	16803	12
47 Gardner Avenue	16803	16
70 Belmont Avenue	16803	67
99 Crescent Avenue	16903	24
58 Astor Place	17002	44
18-20 Park Street	17003	7

ADDRESS	BLOCK	LOT
12 Park Street	17003	6
92 Crescent Avenue	17001	20
67 Astor Pl.	17001	28
35 Astor Place	17001	44
61 Park Street	17001	46
33 Park Street	17001	13
71 Crescent Avenue	16902	31
41 Crescent Avenue	16901	22
51 Crescent Avenue	16901	17
17 Brinkerhoff St.	16901	10
122.5 Harrison Avenue	17906	48
98.5-102 Harrison Ave	17906	40
73 Brinkerhoff Street	17906	11
68 Madison Avenue	18603	8
60 Madison Avenue	18603	4
561 Communipaw Avenue	18603	18
746 Grand Street	18703	9
22 Mc Dougall Street	18704	14
350 Randolph Avenue	19703	31
342 Randolph Avenue	19703	27
786-92 Grand Street	18801	13
21-25 Clinton Ave.	18801	5
800 Grand Street	18801	16
802 Grand Street	18801	17
27 Clinton Avenue	18801	4
804 Grand Street	18801	18
814 Grand Street	18801	23
832 Grand Street	18801	32
26 Seidler Street	18503	33
592 Bramhall Avenue	18502	17
622 Bramhall Avenue	18506	10
444 Bergen Avenue	18505	30
113 Atlantic St.	19402	4
202 Union Street	19402	27
146.5 Union St	19501	34
53 Atlantic St.	19501	23
82 Atlantic Street	18504	44
76 Union Street	19602	14

ADDRESS	BLOCK	LOT
826 Ocean Avenue	19602	31
245 Randolph Avenue	19701	32
307 Arlington Avenue	21304	6
81 Union Street	21302	10
75 Union Street	21302	13
71 Union Street	21302	15
55 Union Street	21302	23
245 Clerk St.	21302	34
251 Clerk St.	21302	31
400 Bergen Avenue	19403	29
197 Union Street	19403	6
205-207 Union Street	19403	2
118 Oak Street	19403	25
322 Forrest Street	19503	45
342 Forrest Street	19503	57
346 Forrest Street	19503	59
85-87 Oak Street	19503	20
95 Oak Street	19503	16
363 Forrest Street	21101	13
351 Forrest Street	21101	18
93-5 Kearney Avenue	22502	20
210 Myrtle Avenue	23102	47
107 Grant Ave.	23102	17
121 Grant Avenue	23102	10

ADDRESS	BLOCK	LOT
39 Grant Avenue	23202	20
36 Grant Avenue	23201	34
34 Grant Avenue	23201	33
133 Claremont Avenue	22604	10
21-23 Orient Avenue	22603	4
197 Clerk St.	21401	20
229 Clerk St.	21401	4
217 Clerk Street	21401	10
181 Clerk St.	21401	27
249 Arlington Ave	21402	12
170 Carteret Avenue	21402	39
231A Arlington Avenue	21402	24
167 Randolph Avenue	21403	20
118 Carteret Avenue	21404	7
176 Arlington Ave	22703	39
666 Ocean Avenue	22701	35
165 Clerk Street	22701	9
131 Clerk Street	22701	24
99 Clerk Street	23301	4
83 Clerk St.	23301	8
29 Westervelt Place	17204	8
34 Center Street	13803	1
38 Center Street	13803	3
44 Center Street	13803	6

II. TRANSPORTATION ACCESS

The Redevelopment Area consists of scatter site properties throughout the City of Jersey City. Several of the properties listed in this plan are within a half mile of a Hudson-Bergen Light Rail Station. Other properties are near or located along NJ Transit bus routes. In all, the properties that make up boundaries of this plan are all located in areas targeted for smart growth and have excellent access to major transportation nodes and job centers.

II. GOAL

The goal is to bring the Study Area's stock of vacant buildings back into productive use—as assets to the neighborhoods and contributors to the tax rolls.

III. OBJECTIVES

To redevelop or rehabilitate each individual property in accordance with land use, density and design standard objectives and criteria for the surrounding environment.

Rehabilitation or redevelopment activities for the Scatter Site Redevelopment Plan area will be undertaken in conformity with, and will be designed to meet, the following objectives of the Redevelopment Plan:

1. Foster the rehabilitation and redevelopment of structures in order to bring them back into productive use -- as assets to the neighborhoods and contributors to the tax rolls.
2. Make sustainability and smart growth a theme of future development and redevelopment that guides land use and transportation decisions.
3. Provide for a wide variety of housing types, sizes, and price points that meet the needs of Jersey City's diverse population.
4. Encourage the adaptive reuse of existing structures.
5. Encourage buildings to meet or exceed the US Green Building Council's LEED Leadership in Energy and Environmental Design (Certification or equivalent).
6. The removal or rehabilitation of vacated, deteriorated and obsolete structures.
7. Coordinate redevelopment activities to provide a uniform and consistent attack on blighted, dilapidated, and obsolete structures within the Area.

IV. OTHER PROVISIONS TO MEET STATE REQUIREMENTS

- A. The Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq, requires that a Redevelopment Plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:
 1. This Redevelopment Plan achieves the stated objectives of the Jersey City Master Plan by continuing efforts to stabilize and upgrade residential neighborhoods. This plan also encourages adaptive reuse of obsolete buildings; addresses substandard housing conditions and the need for housing rehabilitation; and seeks to maintain existing housing units through ongoing rehabilitation and renovation programs. The purpose of this plan is to provide unique, attractive, and high quality residential areas that serve existing residents while also attracting new residents by eliminating obsolete buildings.
 2. This Redevelopment Plan does not provide new development standards for the Area. Instead, each site shall continue to utilize the use and bulk standards as provided for by the Jersey City Zoning Map and Land Development Ordinance or other Redevelopment Plan areas.
 3. There will be no displacement of existing residents through the implementation of this plan through condemnation, as the purpose of this plan is to redevelop or rehabilitate only vacant structures. Condemnation is permitted, however, as this plan is an area in need of redevelopment.
 4. The following properties are listed to be acquired in accordance with the plan:

Table 2: Properties to be Acquired

ADDRESS	BLOCK	LOT
332 Whittier Street	19005	30

ADDRESS	BLOCK	LOT
248 Grove Street	14103	54

ADDRESS	BLOCK	LOT
18 McDougall Street	18704	12
67 Clerk Street	23301	15
165 Clerk Street	22701	9
163 Clerk Street	22701	10
9 Myrtle Avenue	23703	13
35 Dwight Street	25202	14
167 Armstrong Avenue	25601	13
329 Forrest Street	21101	26

ADDRESS	BLOCK	LOT
182 Claremont Avenue	22503	58
81 Orient Avenue	22503	34
2131 Kennedy Boulevard	22303	30
142 Boyd Avenue	20502	58
404 Palisade Avenue	3903	18
80 Bowers Street	2205	45
354 Ogden Avenue	2404	9
671 Palisade Avenue	1702	2

5. Jersey City is designated as a "Planning Area 1" in the State Plan and is at the center of the Hudson County "urban complex." The development envisioned by this plan is in conformity with the "State Planning Act" P.L. 1985, c. 398 (C.52:18A-196 et al) as well as the master plan of Hudson County and all contiguous municipalities.
6. and 7. No affordable units are identified to be removed as part of the implementation of this redevelopment plan.

IV. STRATEGIC PLAN

To acquire land and structures, and dispose of same to designated developers to rebuild or rehabilitate as appropriate. Building design and use shall conform with existing underlying zoning, except where continuance of a non-conforming use is appropriate and not detrimental to the health, safety or welfare of the surrounding neighborhood.

V. LAND USE AND DESIGN

- A. Because of the scattered site nature of this redevelopment plan, it is impractical to have a land use and design provision custom tailored to each parcel. Therefore, this Plan shall utilize the Municipal Zoning Land Development Ordinance and Redevelopment Plans, as amended, as the prevailing set of development regulations for all parcels within this Plan. Each parcel will therefore fall under the provisions of their respective zone district or redevelopment plan, as found on the Jersey City Zoning Map. In addition, the following shall apply:
 1. All parcels shall meet the following requirements:
 - a. Chain link fencing shall be prohibited on yards that abut the public right-of-way.
 - b. A minimum of one tree, that is a minimum of 3 to 3-1/2 inches in caliper, shall be planted for every twenty-five feet of street frontage.
 2. Established non-conforming uses may utilize grandfathered rights, ~~except for the properties that are listed in Table 2.~~

Table 2: Exceptions

ADDRESS	BLOCK	LOT
2 Warner Avenue	26503	33
78 Storms Avenue	15201	24
353-357 Grove Street		
370 Princeton Avenue	28904	12
63-65 Fleet Street	6806	8

3. For the parcel at 353-357 Grove Street (Block 242, Lot 1.1), the following land

use shall be permitted for the building that exists at the time of adoption of this Plan: A mixed use residential/commercial/retail building with a one (1) story addition above a three (3) story brick structure, with sixteen (16) dwelling units, two (2) commercial/retail spaces, and eight hundred fifty (850) square feet of roof deck. Permission for this project, as described herein, is contingent upon a minimum of eight (8) off street parking spaces being provided, either on said parcel, or on an adjacent parcel. Any roof deck railings shall either not be visible from the street or designed to be aesthetically compatible with the building facade. Any stair or elevator housing shall be constructed of materials and colors which are compatible with the brick facade of the Grove Street frontage. The sidewalk along the Bay Street frontage shall be replaced prior to the installation of street trees, and tree pits and trees shall be included within the sidewalk area. If feasible, and agreeable to PSE&G, the electric utility pole on the Bay Street side of the project shall be relocated; otherwise, the poles shall be painted or otherwise made to blend more compatibly with the building facade.

4. For the parcels located at 63-65 Fleet Street, Block 6806, Lot 8; the following

standards shall also apply:

a. Two residential buildings are permitted on this property. One shall be located along the Fleet Street Frontage and the second shall be located on the southern portion of the site and facing Hoboken Avenue.

b. Minimum setbacks to the building shall be as follows:

- Hoboken Avenue frontage—because Hoboken Avenue runs at an angle to the site, the building may be stepped such that the minimum setback shall be 5 feet with a maximum of 15 feet.
- Fleet Street frontage—a minimum of 4.0 feet.
- Side yards—0 feet, except as necessary to accommodate windows in either the proposed or existing structures.
- There shall be at least 40 feet between the two buildings located on this site. Balconies may extend not more than 5 feet from the building facades into this interior space.

e. Maximum Building Height—

- ~~Building fronting on Fleet Street shall not be taller than 3 stories.~~
- ~~Building fronting on Hoboken Street shall not be taller than 5 stories (4 stories of residential over ground floor parking).~~

d. ~~Required Parking—~~

- ~~0.5 space for 1 bedroom units~~
- ~~1.0 space for units with 2 or more bedrooms.~~
- ~~At least 50% of the parking spaces shall be located under the building with the remaining spaces in a surface parking area between the buildings.~~
- ~~Parking provided in the area between the two buildings shall be appropriately landscaped at the property edges.~~

e. ~~Additional design and landscape standards:~~

- ~~Buildings shall be designed to be attractive from all vantage points, with each façade being of equal importance.~~
- ~~The front façade of the building along Fleet Street shall be oriented toward the street so as to contribute to the overall liveliness of the pedestrian environment and shall be designed to include traditional design elements found in the surrounding area such as a front stoop or porch, bay windows, a traditional cornice and other similar features. The façade material shall be primarily masonry.~~
- ~~The front façade of the building located on the southern portion of the development parcel shall be oriented toward Hoboken Avenue and shall be designed to contain traditional design elements found in a front façade. The principal pedestrian entrance and lobby shall be located in the façade facing Hoboken Avenue which shall function as a “front door” into the building directly from Hoboken Avenue and provide access into the building elevator lobby. The façade material shall be primarily masonry.~~
- ~~A decorative landscaped garden area shall be located between the building and Hoboken Avenue. A decorative wall and fence shall be constructed along the Hoboken Avenue street line. A pedestrian scale entrance gate shall also be provided along this frontage, which will provide pedestrian access to the property from Hoboken Avenue.~~
- ~~A pedestrian entrance shall also be provided into and through the Fleet Street building to provide access from Fleet Street. This entrance shall be designed to resemble a typical doorway entrance into a residential structure.~~
- ~~Pedestrian access between the two buildings and between the Hoboken Avenue and Fleet Street access points shall be provided in the form of a sidewalk, which may be landscaped or covered with a canopy.~~
- ~~Vehicular access to the parking areas for both buildings shall be from Fleet Street. The vehicular access shall include a garage door to~~

~~provide security and visually screen the parking beyond. The garage door shall be residential in scale and compatible with the architectural design of the building. No vehicular access shall be permitted from Hoboken Avenue.~~

VI. DENSITY

- A. ~~For residential structures that exist at the time of adoption of this Plan, the~~ **The** maximum permitted number of dwelling units per building shall be the number of dwelling units that are recorded for that particular building, **at the time of designation,** ~~at the time of adoption of this Plan,~~ by the municipal tax assessor, except for the following.
1. ~~A maximum of sixteen (16) residential units shall be permitted on the site at 63-65 Fleet Street consisting of Block 6806, Lot 8 as part of an approved new construction residential project, with a maximum of twelve (12) dwelling units within the building fronting on Hoboken Avenue, and a maximum of four (4) dwelling units within the building fronting on Fleet Street. One bedroom units shall not be less than 700 square feet in area, two bedroom units shall not be less than 950 square feet in area three bedroom units shall not be less than 1300 square feet.~~
- B. ~~For the building that exists at 353-357 Grove Street at the time of adoption of this Plan, residential density shall be as described within the land use section of this Plan.~~
- B. C. ~~For all other parcels,~~ **where number of units cannot be determined by the municipal tax assessor,** residential density shall be as provided for by the Municipal Zoning **Land Development Ordinance or Redevelopment Area**, as amended **as depicted on the Jersey City Zoning Map.**

VII. LANDSCAPING REPLACEMENT

Any landscaping that is not resistant to the urban environment, or that dies within two (2) years of planting, shall be replaced by the developer.

VIII. GENERAL ADMINISTRATIVE PROVISIONS

- A. **This Redevelopment Plan shall supersede all provisions of the Jersey City Land Development Ordinance that are specifically addressed herein. Provisions of the Jersey City Land Development Ordinance that are not specifically addressed herein shall be in full force and effect.**
- B. **Required compliance with zoning shall also comply with subsequent changes to the Land Development Ordinance.**

- C. The Zoning map shall be amended to note that this Plan includes properties scattered throughout the municipality and shall at a minimum include an attached appendix that lists all properties that constitute this Plan.
- D. No building shall be constructed over public rights-of-way in the project area.
- E. Prior to commencement of construction, site plans for the construction and/or rehabilitation of improvements to the Area shall be submitted by the developer to the Planning Board of the City of Jersey City for review and approval so that compliance of such plans with the redevelopment objectives can be determined. Site plan review shall be conducted by the Planning Board pursuant to NJSA 40:55D-1 et. seq. Applications may be submitted for the entire project or in any number of phases.
- F. As part of any site plan approval, the Planning Board may require a developer to furnish performance guarantees pursuant to NJSA 40:55D-53 et seq. Such performance guarantees shall be in favor of the City in a form approved by the Jersey City Corporation Counsel. The amount of any such performance guarantees shall be determined by the City Engineer and shall be sufficient to assure completion of on- and off-site improvements within one (1) year of final site plan approval.
- G. No use or reuse shall be permitted, which, when conducted under proper safeguards, will produce corrosive, toxic or noxious fume, glare, electromagnetic disturbances, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration (60 decibels), or other objectionable features so as to be detrimental to the public health, safety or general welfare.
- H. All residential redevelopment proposals and construction plans shall meet or exceed applicable FHA and building code minimum room size requirements prior to approval by the Planning Board.
- I. Upon demolition of existing structures, the site shall be graded and planted or sodded, with a durable dust free surface in the interim period prior to construction of new buildings.
- J. **DEVIATION REQUESTS**
- The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. Deviations from the required retail use as per Section VII shall be considered a design waiver, cognizable by the Planning Board. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial

detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan.

No deviations may be granted which will result in permitting:

- 1) A use or principal structure in a district which does not permit such use or principal structure;
- 2) An expansion of a non-conforming use;
- 3) An increase in height of more than ten feet or 10% of the height in feet, whichever is less;
- 4) An increase in the permitted floor area ratio;
- 5) An increase in the parking ratio of more than 10% above the maximum permitted;
- 6) Breach the minimum or maximum number of permitted stories;
- 7) Right-of-way width, and pavement width beyond normal adjustments encountered during survey synchronization;
- 8) Non-completion of minimum open space, parks, or other type of phased improvements required to be implemented;
- 9) Deviation from the Impact Fees provisions set forth in this Plan; or
- 10) Non-compliance with the specific goals and objectives enumerated in the Plan.
- 11) Planning Board may grant deviations from the required land use regulations in section VI to further the goals and objectives of this plan.

Any deviation in the above categories or any other deviation that would otherwise constitute a "d" type variance or deviation constitutes a request for a legislative plan amendment cognizable only by the Governing Body. The Jersey City Zoning Board of Adjustment's powers are strictly limited to "a" and "b" appeals (N.J.S.A. 40:53D-70A&B).

- K. Redevelopment shall provide adequate water, sewer and other necessary utilities to the site, to the satisfaction of the Municipal Engineer and the Municipal Utility Authority. All costs necessary for infrastructure improvements associated with a development project, off-site as well as on-site, are the responsibility of the developer or redeveloper.
- L. Severability: If any word, phrase, clause, section or provision of this Plan shall be found by a court of competent jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, clause, section or provision shall be deemed severable and the remainder of the ordinance shall remain in full force and effect.
- M. This Redevelopment Plan may be amended from time to time upon compliance with the requirements of law. A fee of \$500.00 plus all costs for copying and transcripts shall be payable to the City of Jersey City for any request by a private entity to amend this plan. The City of Jersey City reserves the right to amend this plan. Requests by property owners of rehabilitated buildings to remove such structures from this redevelopment plan shall not incur any fee.
- N. Interim uses may be established, subject to agreements between the developers and the Planning Board, that such use will not have an adverse effect upon existing or contemplated development during the interim use period. Interim

uses may include surface parking provided there is no ingress or egress onto Ocean Avenue itself. Interim uses must be approved by the Planning Board, which may establish an interim use period of between one (1) year and three (3) years in duration, subject to the Planning Board's discretion. Additional renewals of an interim use may be granted by the Planning Board, subject to the same interim period limitations specified above.

- A. ~~This Redevelopment Plan shall supersede all provisions of the Jersey City Zoning Ordinance that are specifically addressed herein. Provisions of the Jersey City Zoning Ordinance that are not specifically addressed herein shall be in full force and effect.~~
- B. ~~Required compliance with superceded zoning shall also comply with subsequent changes to the zoning ordinance.~~
- C. ~~The Zoning map shall be amended to note that this Plan includes properties scattered throughout the municipality and shall at a minimum include an attached appendix that lists all properties that constitute this Plan.~~
- D. ~~The regulations and controls in this Plan may be implemented, where applicable, by appropriate covenants, or other provisions, or through agreements for land disposition and conveyances executed thereto.~~
- E. ~~No variance from the requirements herein shall be cognizable by the Zoning Board of Adjustment.~~
- F. **Severability** — ~~If any word, phrase, clause, section or provision of this Plan shall be found by a court of competent jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, clause, section or provision shall be deemed severable and the remainder of the ordinance shall remain in full force and effect.~~
- G. **Duration** — ~~The provisions of this plan specifying the redevelopment of the project area and the requirements and restrictions with respect thereto shall be in effect for a period of forty (40) years from the original date of approval of this Plan by the Jersey City Municipal council. Subsequent amendments hereto shall not alter or extend this period of duration, unless specifically extended by such amendments.~~
- H. **Procedure for Amending the Plan** — ~~This Plan may be amended from time to time upon compliance with the requirements of law. A fee of five hundred dollars (\$500), plus all costs for copying and transcripts shall be payable to the City of Jersey City for any request to amend this Plan. If there is a designated developer, as provided for under NJSA 40A:12A-1 et. seq., said developer shall pay these costs. If there is no developer the appropriate agency shall be responsible for any and all such costs.~~

~~I. **Deviations** — The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan. An application for a deviation from the requirements of this redevelopment plan shall provide public notice of such application in accord with the requirements of public notice as set forth in NJSA 40:55D-12.a. & b.~~

~~IX. **THRESHOLDS FOR SITE PLAN REVIEW**~~

~~The following categories of site plans for new construction, rehabilitation and additions shall fall within the review threshold and must receive Planning Board approval prior to issuance of either a building permit or certificate of occupancy of any type:~~

~~A. **Residential.** Creation or renovation of ten (10) or more dwelling units, regardless of number of structures and/or phases, and whether developed by one (1) entity or several, provided, however, that the following sites shall require site plan review and approval by the Planning Board regardless of the number of dwelling units:~~

~~1. 63-65 Fleet Street~~

~~B. **Nonresidential:**~~

~~1. Projects on parcels of ten thousand (10,000) or more square feet.~~

~~2. Projects whose total gross floor area is ten thousand (10,000) or more square feet.~~

~~C. **Common for residential and nonresidential:**~~

~~1. Additions increasing gross floor area by fifty percent (50%) or more.~~

~~2. Additions increasing coverage by all structures on a project parcel by fifty percent (50%) or more.~~

~~3. Additions increasing gross floor area of all structures on a project parcel by fifty percent (50%) or more.~~

~~4. Off street parking facilities.~~

- ~~5. Changes in use requiring alteration of existing parking and/or loading facilities.~~
- ~~6. Changes in the volume and/or configuration of existing parking and/or loading facilities.~~
- ~~7. Alteration in use.~~

~~X. PERMITTING~~

- ~~A. Site plan review shall be conducted by the Planning Board pursuant to NJSA 40:55D-1 et. seq. Site plan review shall consist of a preliminary site plan application and a final site plan application. Submission of a site plan and site plan application shall conform with the requirements of the Municipal Zoning Ordinance and this Plan. Applications may be submitted for an entire project or in phases. Preliminary site plan approval for any phase shall entitle an applicant to building permits. Final site plan approval for any phase shall not be granted unless or until that phase is substantially complete, or performance guarantees for site improvements for that phase have been furnished by the redeveloper in accordance with NJSA 40:55D-53.~~
- ~~B. No Certificate of Occupancy (CO) of any type shall be issued for any construction until the Planning Board has given final site plan approval for the phase in which such construction is located. As part of site plan approval, the Planning Board may require a developer to furnish performance guarantees pursuant to NJSA 40:55D-53. Such performance guarantees shall be in favor of the City of Jersey City, and be in a form approved by the Corporation Counsel or the Planning Board attorney. The amount of any such performance guarantees shall be determined by the City Engineer and shall be sufficient to assure completion of site improvements within one (1) year of final site plan approval.~~

~~XI. INTERIM USES~~

~~Interim uses shall not include retail, commercial or industrial uses for parcels that are located in residential zones. Other interim uses may be established, subject to agreement by the developers with the Planning Board that such uses will not have an adverse effect upon existing or contemplated development during the interim use period. Such interim use period may not exceed three (3) years, and is renewable.~~

~~XII. ACQUISITION~~

~~All parcels listed in Table 1 are to be acquired.~~

~~XIII. AMENDMENTS TO OTHER REDEVELOPMENT PLANS~~

~~The following properties shall be added to the acquisition schedules of the redevelopment plan within which they are contained. Each of the noted plans shall be amended to show the change to their acquisition schedules.~~

Table 3: Properties to add to acquisition schedules

Redevelopment Plan	Address	Block	Lot
MLK	160 Martin Luther King Drive	25101	55
MLK	124 Martin Luther King Drive	25603	3
MLK	92 Martin Luther King Drive	25602	1
MLK	65 Martin Luther King Dr.	26401	19
MLK	72 M.L. King Drive	26402	39
MLK	60 M.L. King Drive	26403	1
MLK	540 M.L. King Drive	18601	15
MLK	531 M.L. King Drive	18503	12
MLK	479 Martin Luther King Drive	19501	28
MLK	481 Martin Luther King Drive	19501	27
MLK	475 M.L. King Drive	19501	30
MLK	483 M.L. King Drive	19501	26
MLK	493-495 Martin Luther King Drive	18504	28
MLK	427 Martin Luther King Drive	21101	32
MLK	69 Ege Avenue	22501	24
MLK	284 Martin Luther King Drive	23202	75
Monticello	222 Monticello Avenue	15005	3
Monticello	220 Monticello Avenue	15005	1
Monticello	185-87A Monticello Avenue	16702	21
Monticello	134 Monticello Avenue	16902	12
Monticello	124 Monticello Avenue	16902	7
Ocean/Bayview	480 Ocean Avenue	25201	1
Ocean/Bayview	504 Ocean Avenue	24102	78
Ocean/Bayview	520 Ocean Avenue	24101	77
Turnkey	184.5 Stegman Street	25001	59
Turnkey	461 Ocean Avenue	25101	26
Turnkey	459 Ocean Avenue	25101	26
Turnkey	138 Fulton Avenue	25704	32
Turnkey	110 Fulton Avenue	25804	1
Webster Ave	178 Webster Avenue	2905	30
Webster Ave	180 Webster Ave.	2905	31

XIV. ~~OTHER PROVISIONS TO MEET STATE REQUIREMENTS~~

In accordance with NJSA 40A:12A-1 et seq., Chapter 79, Laws of New Jersey 1992, know as the "Local Redevelopment and Housing Law," the following statements are made:

- A. ~~The objective of this plan is to redevelop or rehabilitate each individual property in accordance with land use, density, and design standard objectives and criteria for the surrounding environment. In addition, this Plan's primary development requirement is to conform with the surrounding zoning. Therefore, this Plan almost exclusively pursues the same objectives upon which the Municipal Zoning Ordinance is based.~~
- B. ~~Requirements for proposed land uses and building requirements are contained within the Plan herein.~~

- ~~C. All of the buildings contained within this Redevelopment Area are vacant; therefore, an estimate of the extent to which decent, safe and sanitary dwelling units affordable will be available to displaced residents in the existing local housing market is not required.~~
- ~~D. The Plan herein has a significant relationship to the State Development and Redevelopment Plan, adopted pursuant to the "State Planning Act," P.L. 1985, c.398(C.52:18A-196 et al.). By enabling investment into vacant buildings to occur in an area of existing urban infrastructure, this Plan advances the state plan's policy of promoting investment in urban areas and urban revitalization.~~

Department of Housing, Economic Development & Commerce
Division of City Planning



Inter-Office Memorandum

DATE: September 16, 2015
TO: Council President Lavarro, Anthony Cruz, Bob Cotter
FROM: Matt Ward, PP, AICP *MW*
SUBJECT: Ordinance to adopt the Scatter Site Redevelopment Plan

Recently there have been concerns among the public regarding the Vacant Buildings Redevelopment Plan. Many properties in the Vacant Buildings Redevelopment Plan were successfully rehabilitated a long time ago, but remain listed.

The proposed Scatted Site Redevelopment Plan shall amend, rename, and supersede the Vacant Buildings Redevelopment Plan. All properties in the Vacant Buildings Redevelopment Plan prior to 2015 are proposed to be removed from the Redevelopment Plan and shall be regulated by the Jersey City Zoning Map.

The Scatter Site Redevelopment Plan will only contain the 18 properties most recently declared in need of redevelopment by the Municipal Council on August 19, 2015 by resolution 15-582.

The 18 properties that shall remain in the Scatter Site Redevelopment are vacant and in a boarded up and dilapidated state, as documented and photographed in the New Vacant Buildings Study Area report dated July 21, 2015. These properties are negatively affecting nearby communities. Only these 18 properties shall be listed as "to be acquired" by the Scatter Site Redevelopment Plan. This gives the Municipal Council the option to pursue condemnation of these 18 properties, should that be necessary for the rehabilitation of these structures.

Summary

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING THE SCATTER SITE REDEVELOPMENT PLAN

This ordinance adopts the Scatter Site Redevelopment Plan. The Redevelopment Area consists of properties identified in the New Vacant Buildings Study Area that was adopted by the Municipal Council by resolution 15-582. The plan area includes those 18 properties identified in the aforementioned study area and resolution which are scattered throughout the City of Jersey City. All properties at the time of designation were determined to be vacant. The objective of this Plan is to reduce the amount of vacant buildings citywide. This plan shall amend, rename, and supersede the Vacant Buildings Redevelopment Plan and all properties listed in the Vacant Buildings Redevelopment Plan other than the 18 properties included as part of the New Vacant Buildings Study Area shall be removed.

City Clerk File No. Ord. 15.135

Agenda No. 3.D 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.135

TITLE: **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER
4 (PAID SICK TIME) OF THE JERSEY CITY MUNICIPAL CODE**

COUNCIL offered and moved adoption of the following Ordinance:

WHEREAS, on September 25, 2013, Jersey City became the first city in New Jersey to mandate that employers provide paid sick leave to their employees; and

WHEREAS; the example set by Jersey City has been copied by numerous municipalities throughout the State; and

WHEREAS; some of these municipalities have adopted ordinances which provide more generous paid sick benefits than those provided for in Jersey City's Paid Sick Time Ordinance; and

WHEREAS, in an effort to ensure consistency throughout the State regarding paid sick benefits, Jersey City wishes to amend its Paid Sick Time Ordinance to align it with the other Paid Sick Time Ordinances throughout the State; and

WHEREAS, Jersey City also wishes to clarify and supplement some of language contained in its Paid Sick Time Ordinance so as to make it clearer to prospective employers and employees how the policy applies.

NOW, THEREFORE BE IT ORDAINED, by the Municipal Council of the City of Jersey City that Chapter 4 (Paid Sick Time) be amended to read:

CHAPTER 4 - PAID SICK TIME

§ 4-1. - Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

CALENDAR YEAR - A regular and consecutive twelve-month period, as determined by an employer.

DEPARTMENT - The Department of Health and Human Services.

EMPLOYEE(S) - Employee(s) as defined in N.J.S.A. 34:11-56a1(h) ~~including an employee of a franchise(s) or business(s) owner located in Jersey City, including part-time and temporary employees,~~ who works in Jersey City for at least eighty (80) hours in a calendar year. Employee(s) for purposes of this Chapter includes any individual engaged in work activity that would be considered "employment" under the federal Fair Labor Standards Act, 29 U.S.C. §201 et seq., and any applicable U.S. Department of Labor Guidelines but does not include any person employed by any governmental entity or instrumentality of the State of New Jersey or any political subdivision thereof, including any New Jersey school district or Board of Education, and including Rutgers, The State University of New Jersey, and or any subdivisions of Rutgers University, employees subject to a collective bargaining agreement such as those enrolled in a trade or construction union, or anyone participating in a registered apprenticeship program.

EMPLOYER - Any entity as defined by N.J.S.A. 34:11-56a1(g) except that Employer does not include the United States government or any Federal agency, entity or instrumentality of the Federal government, the State of New Jersey, including the legislature, the judiciary or any agency, entity or instrumentality of the State of New Jersey, any political subdivision of the State of New Jersey, including any school district or Board of Education, or Rutgers, The State University of New Jersey, or any subdivisions of Rutgers University.

FAMILY MEMBER:

- (1) A biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child of a civil union partner, or a child to whom the employee stands in loco parentis;
- (2) A biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse, domestic partner or civil union partner or a person who stood in loco parentis when the employee was a minor child;
- (3) A person to whom the employee is legally married under the laws of New Jersey or any other state or with whom the employee has entered into a civil union;
- (4) A grandparent or spouse, civil union partner or domestic partner of a grandparent;
- (5) A grandchild;
- (6) A sibling; or
- (7) A domestic partner of an employee as defined in N.J.S.A. 26:8A-3 et seq.

HEALTH CARE PROFESSIONAL - Any person licensed under Federal or New Jersey law to provide medical or emergency services, including but not limited to doctors, nurses and emergency room personnel.

CONSTRUCTION UNION - means an organization that represents, for purposes of collective bargaining, employees involved in the performance of construction, reconstruction, demolition, alteration, custom fabrication, or repair work and who are enrolled or have graduated from a registered apprenticeship program.

PAID SICK TIME - Time that is compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee normally earns during hours worked and is provided by an employer to an employee for the purposes described in Subsections 4-3.A(1)-(11) of this chapter, but in no case shall the hourly wage be less than that provided under N.J.S.A. 34:11-56a.

REGISTERED APPRENTICESHIP PROGRAM - means an apprenticeship program that is registered with and approved by the United States Department of Labor and which meets not less than two of the following requirements: (A) has active, employed, registered apprentices; (B) has graduated apprentices to journey worker status during a majority of the years that the program has been in operation; or (C) has graduated apprentices to journey worker status during three of the immediately preceding five years, provides each trainee with combined classroom and on-the-job training under the direct and close supervision of a highly skilled worker in an occupation recognized as an apprenticeable trade and meets the program performance standards of enrollment and graduation under 29 C.F.R. Part 29, section 29.63.1.

RETALIATION - The denial of any right guaranteed under this chapter and any threat, discipline, discharge, suspension, demotion, reduction of hours, or any other adverse action against an employee for the exercise of any right guaranteed herein.

~~UNPAID SICK TIME—Time that is allowed and accrued in the same manner as paid sick time however, but for which leave an employee is neither penalized nor compensated.~~

§ 4-2. - Purpose.

Purposes of this chapter are:

- (1) To diminish public and private health care costs and promote preventive health services in Jersey City by enabling workers to seek early and routine medical care for themselves and their family members;
- (2) To protect the public's health in Jersey City by reducing the spread of contagious diseases;
- (3) To promote the economic security and stability of workers and their families;
- (4) To protect employees in Jersey City from losing their jobs or facing workplace discipline while they use paid sick time to care for themselves or their families;
- (5) To safeguard the public welfare, health, safety and prosperity of the people of Jersey City; and
- (6) To accomplish the purposes described in paragraphs (1)—(5) in a manner that is feasible for employers.

§ 4-3. - Application.

This chapter requires all those employed within the City of Jersey City to accrue either paid or unpaid sick time from their employer as mandated by this chapter utilizing the formula applied herein.

Individuals who work for employers who employ ten (10) or more employees shall accrue compensated sick time up to a maximum of forty (40) hours per year.

Individuals who work for employers who employ less than ten (10) employees shall accrue compensated sick time up to a maximum of twenty-four (24) hours per year. In addition, once such individuals have accrued twenty-four (24) hours of compensated sick time, they shall accrue unpaid sick time up to a maximum of sixteen (16) hours per year. However, this sick time need not be compensated.

Taking of sick time, whether compensated or not shall not be the basis of an adverse employment action.

A. Accrual of Paid Sick Time.

- (1) Employees shall accrue a minimum of one (1) hour of paid ~~or unpaid~~ sick time for every thirty (30) hours worked subject to the limits set forth below in A(2) and A(3).
- (2) Employers who employ ten (10) or more employees for compensation are not required to provide more than forty (40) hours of paid sick time in a calendar year. In determining the number of employees performing work for an employer, all employees performing work for compensation on a full-time, part-time, or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation fluctuates, the number of employees may be determined for the current calendar year based upon the average number of employees who worked for compensation during the preceding calendar year.

Employers who employ less than ten (10) employees for compensation are not required to provide more than twenty-four (24) hours of paid sick time and more than sixteen (16) hours of unpaid sick time in a calendar year except for Employees who are child care workers, home health care workers and food service workers. For child care workers, health care workers and food service workers, Employers are required to provide up to 40 hours of paid sick time, so long as the hours are accrued in a calendar year as set forth elsewhere in this Section.

In determining the number of employees performing work for an employer, all employees performing work for compensation, whether on a full-time, part-time, or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation fluctuates, the number of employees may be determined for the current calendar year based upon the average number of employees who worked for compensation during the preceding calendar year.

- (3) Employees who are exempt from overtime requirements under 29 U.S.C. § 201 et seq. of the Federal Fair Labor Standards Act are assumed to work forty (40) hours in each work week for purposes of paid sick time accrual unless their normal work week is less than forty (40) hours, in which case paid sick time accrues based upon that normal work week.
- (4) Paid sick time as provided in this section begins to accrue at the commencement of employment.
- (5) Employees begin to accrue paid sick time on the first day of employment. Employees are entitled to use accrued paid sick time beginning on the ninetieth calendar day of their employment. After the ninetieth calendar day of employment, employees may use paid sick time as it is accrued.
- (6) Paid sick time is carried over to the following calendar year except that no employer is required to carry over more than forty (40) hours of paid sick time from one (1) calendar year to the next and nothing in this section entitles an employee to use more than forty (40) hours of paid sick time in a calendar year.
- (7) Any employer with a paid leave policy, such as a paid time off policy, that provides an amount of paid leave sufficient to meet the total annual accrual requirements of this section that may be used for the same purposes and under the same conditions as paid sick time under this chapter is not required to provide additional paid sick time.
- (8) Nothing in this section shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for accrued paid sick time that has not been used.
- (9) If an employee is transferred to a separate division, entity, or location, but remains employed by the same employer, the employee is entitled to all paid sick time accrued at the prior division, entity, or location and is entitled to use all paid sick time as provided in this section. If there is a separation from employment and the employee is rehired within six (6) months of separation, previously accrued paid sick time that had not been used shall be reinstated. Further, the employee is entitled to use accrued paid sick time and accrue additional paid sick time at the re-commencement of employment.
- (10) When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all paid sick time accrued when employed by the original employer and are entitled to use all paid sick leave previously accrued.
- (11) At its discretion, an employer may loan sick time to an employee in advance of accrual by such employee.
- (12) The requirements of this Ordinance shall not apply to employees covered by a collective bargaining agreement (CBA) to the extent that such requirements are expressly waived in the collective bargaining agreement in clear and unambiguous terms. With respect to Employees covered by a collective bargaining agreement in effect at the time of the effective date of this Ordinance, no provision of this Ordinance shall apply until the expiration of the collective bargaining agreement; however, if the terms of an expired collective bargaining agreement provide paid sick leave that is more generous than provided by this Ordinance, those terms of the expired collective bargaining agreement shall govern.

B. Accrual of Unpaid Sick Time.

- ~~(1) Employees who are not entitled to paid sick time under this ordinance, shall accrue a minimum of one (1) hour of unpaid sick time for every thirty (30) hours worked.~~
- ~~(2) Employers who employ less than ten (10) employees for compensation are not required to provide more than forty (40) hours of unpaid sick time in a calendar year. In determining the number of employees performing work for an employer, all employees performing work for compensation on a full-time, part-time, or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation fluctuates, business size may be determined for the current calendar year based upon the average number of employees who worked for compensation during the preceding calendar year.~~
- ~~(3) Employees who are exempt from overtime requirements under 29 U.S.C. § 201 et seq. of the Federal Fair Labor Standards Act are assumed to work forty (40) hours in each work week for purposes of unpaid sick time accrual unless their normal work week is less than forty (40) hours, in which case unpaid sick time accrues based upon that normal work week.~~
- ~~(4) Unpaid sick time as provided in this section begins to accrue at the commencement of employment.~~
- ~~(5) Employees begin to accrue unpaid sick time on the first day of employment. Employees are entitled to use accrued unpaid sick time beginning on the ninetieth calendar day of their employment. After the ninetieth calendar day of employment, employees may use unpaid sick time as it is accrued.~~
- ~~(6) Unpaid sick time is carried over to the following calendar year except that no employer is required to carry over more than forty (40) hours of unpaid sick time from one (1) calendar year to the next and nothing in this section entitles an employee to use more than forty (40) hours of unpaid sick time in a calendar year.~~
- ~~(7) Any employer with a sick leave policy, such as a time off policy, that provides an amount of sick leave sufficient to meet the total annual accrual requirements of this section that may be used for the same purposes and under the same conditions as sick time under this chapter is not required to provide additional sick time.~~
- ~~(8) Nothing in this section shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for accrued sick time that has not been used.~~
- ~~(9) If an employee is transferred to a separate division, entity, or location, but remains employed by the same employer, the employee is entitled to all unpaid sick time accrued at the prior division, entity, or location and is entitled to use all unpaid sick time as provided in this section. If there is a separation from employment and the employee is rehired within six (6) months of separation, previously accrued unpaid sick time that had not been used shall be reinstated. Further, the employee is entitled to use accrued unpaid sick time and accrue additional unpaid sick time at the re-commencement of employment.~~
- ~~(10) When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all unpaid sick time accrued when employed by the original employer and are entitled to use all unpaid sick leave previously accrued.~~
- ~~(11) At its discretion, an employer may loan sick time to an employee in advance of accrual by such employee.~~

CB. Use of Sick Time.

- (1) Sick time shall be provided to an employee by an employer for:
 - a. An employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; an employee's need for preventive medical care;
 - b. Care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or

treatment of a mental or physical illness, injury, or health condition; care of a family member who needs preventive medical care; and

- c. Closure of the employee's place of business by order of a public official due to a public health emergency or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the family member's presence in the community would jeopardize the health of others because of the family member's exposure to a communicable disease, whether or not the family member has actually contracted the communicable disease.
- (2) Sick time shall be provided upon the oral request of an employee.
- (3) An employee shall give an employer notice of the need to use sick time as soon as practicable.
- (4) An employer may not require, as a condition of an employee's taking sick time, that the employee search for or find a replacement worker to cover the hours during which the employee is absent.
- (5) Accrued sick time may be used in the smaller of hourly increments or the smallest increment that the employer's payroll system uses to account for absences or use of other time.
- (6) For sick time of more than three (3) consecutive days, an employer may require reasonable documentation that the paid sick time has been used for a purpose covered by Section 4-2 of this chapter. Reasonable documentation includes: documentation signed by a health care professional indicating that paid sick time is necessary. An employer may not require that the documentation explain the nature of the illness.
- (7) Individuals who work for employers who employ less than ten (10) employees and who have accrued both compensated and unpaid sick time shall not be required by his or her employer to exhaust unpaid sick time before using compensated sick time.

§ 4-4. - Exercise of rights protected; retaliation prohibited.

- A. No person shall interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this chapter.
- B. No person shall retaliate against an employee because the employee has exercised rights protected under this chapter.
- C. The rights protected under this chapter include but are not limited to the right to request and use paid sick time pursuant to this chapter; the right to file a complaint or inform any person about any employer's alleged violation of this chapter; the right to cooperate with the Agency in its investigations of alleged violations of this chapter; the right to participate in any administrative or judicial action regarding an alleged violation of this chapter; and the right to inform any person of his or her potential rights under this chapter.
- D. It is unlawful for an employer's absence control policy to count paid sick time taken under this chapter as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action.
- E. Protections of this section apply to any person who mistakenly but in good faith alleges violations of this chapter.
- F. There is a rebuttable presumption of unlawful retaliation under this section whenever an employer takes adverse action against a person within ninety (90) days of when that person:
 - (1) Files a complaint with the Agency or a court alleging a violation of any provision of this chapter;
 - (2) Informs any person about an employer's alleged violation of this chapter;

- (3) Cooperates with the Agency or other persons in the investigation or prosecution of any alleged violation of this chapter;
- (4) Opposes any policy, practice, or ordinance that is unlawful under this chapter; or
- (5) Informs any person of his or her potential rights under this chapter.

§ 4-5. - Notice and posting.

- A. All employers shall give individual written notice to each of their employees at the commencement of the employee's employment (or as soon as practicable if the employee is already employed on the effective date of this law) regarding employee's rights under this chapter. Such notice shall describe the right to paid sick time, the accrual rate and the amount of paid sick time, and the terms of its use guaranteed under this chapter; the right to be free from retaliation for requesting use of paid sick time; and the right to file a complaint or bring a civil action if paid sick time is denied by the employer or the employee is retaliated against for requesting or taking paid sick time. Such notice shall be in English and the primary language spoken by that employee provided that the Department has made available a translation of such notice into such language.
- B. Employers shall also display a poster in a conspicuous and accessible place in each establishment where employees are employed containing notice of this chapter. The poster shall be in English and in any language that is the first language of at least ten percent (10%) of the employer's workforce provided that the Department has made available a translation of such notice into such language.
- C. The Department shall create and make available to employers individual notices and posters. Notices and posters shall be provided in English, Spanish, Italian, Chinese, Polish, Portuguese, Tagalog, and any other languages selected by the Agency.
- D. An employer who violates the notice and posting requirements of this section is subject to a civil fine in an amount not to exceed one hundred dollars (\$100.00) for each employee who was not given appropriate notice pursuant to this section and five hundred dollars (\$500.00) for each establishment in which a poster was not displayed.

§ 4-6. - Employer records.

Employers shall retain for three (3) years records documenting hours worked by employees and paid sick time taken by employees and shall allow the Department reasonable access to such records, to monitor compliance with the requirements of this chapter. An employer's failure to maintain or retain adequate records documenting hours worked by an employee and paid sick time taken by an employee create a rebuttable presumption that the employer has violated this chapter, absent clear and convincing evidence otherwise.

§ 4-7. - Enforcement and regulations.

- A. The Department shall coordinate implementation and enforcement of this chapter and shall promulgate appropriate guidelines or regulations for such purposes.
- B. The Department shall coordinate implementation and enforcement of this chapter, including, but not limited to:
 - 1. establishing a system to receive complaints, in writing and by telephone, in English, Spanish, and any other language deemed appropriate by the Department regarding the employers non-compliance with this chapter;
 - 2. investigate and resolve complaints received by the Department in a timely manner and keep complainants notified regarding the status of the investigation;
 - 3. engage in pro-active enforcement of this chapter through the use of audits, on-site investigations, or other measures to ensure employer's compliance. Investigators from the Department shall be empowered to interview employees and former employees in private outside the presence of the employer, and the power to determine whether or not employers have complied with this chapter. The Department shall also have the power to inform residents of the City of their rights under this chapter.

- C. The Department shall maintain confidential the identity of any complaining person unless disclosure of the identity is necessary for resolution of the investigation. The Department shall, to the extent practicable, notify a complaining person that the Department will be disclosing his or her identity prior to such a disclosure.
- D. The Department shall establish a system for reviewing and adjudicating complaints by employees. Employers deemed by the Department to be in violation of this chapter shall be subject to the penalty prescribed in § 1-25 of the Municipal Code: the maximum penalty for violating this chapter shall be, in the discretion of the Court, a fine of up to ~~one thousand two hundred fifty dollars (\$1,250.00)~~ two thousand dollars (\$2,000) and/or a period of community service not exceeding ninety (90) days. This penalty shall apply to each individual infraction of this chapter. This section shall not affect any mandatory minimum penalty established by any section of the Code or ordinance.
- E. Any person claiming to be aggrieved by the violation of this chapter may bring a cause of action in any court of competent jurisdiction. Submitting a complaint to the Department is neither a prerequisite nor a bar to bringing private action.

§ 4-8. - Confidentiality and non-disclosure.

An employer may not require disclosure of details relating to an employee's or an employee's family member's medical condition as a condition of providing paid sick time under this chapter. If an employer possesses health information about an employee or employee's family member, such information shall be treated as confidential and not disclosed except to the affected employee or with the permission of the affected employee.

§ 4-9. - Encouragement of more generous paid sick time policies; no effect on more generous policies.

- A. Nothing in this chapter shall be construed to discourage or prohibit an employer from the adoption or retention of a paid sick time policy more generous than the one required herein.
- B. Nothing in this chapter shall be construed as diminishing the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan, or other agreement providing more generous paid sick time to an employee than required herein.
- C. Nothing in this chapter shall be construed as diminishing the rights of public employees regarding paid sick time or use of paid sick time as provided in the laws of the State of New Jersey pertaining to public employees.

~~§ 4-10. - Research.~~

~~The City shall contract to have a research study undertaken to measure and evaluate the economic impact on businesses and the impact on the health of residents as a result of this chapter. This study shall begin one (1) year from the effective date of this chapter, and the City shall engage the services of a competent research institution to conduct this study.~~

~~§ 4-11. § 4-10. - Severability.~~

~~If any provision of this chapter or application thereof to any person or circumstance is judged invalid, the invalidity shall not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared severable.~~

~~§ 4-12. - Effective date.~~

~~This chapter will take effect one hundred twenty (120) days following enactment except that in the case of employees covered by a collective bargaining agreement in effect on the effective date prescribed herein, this chapter shall apply on the date of the termination of such agreement.~~

- I. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- II. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- III. This Ordinance shall take effect sixty (60) days after enactment.
- IV. The City Clerk and the Corporation Counsel be and hereby are authorized and directed to change any chapter numbers, article numbers and section numbers in the event the codification of this Ordinance reveals that there is conflict between those numbers and the existing code.

NOTE: All new material is underlined; words ~~struck through~~ are omitted.

For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐
Not Required ☐

RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 (PAID SICK TIME) OF THE JERSEY CITY MUNICIPAL CODE

Initiator

Department/Division	Municipal Council	
Name/Title	Rolando R. Lavarro, Jr., Council President Joyce Watterman, Councilwoman At-Large	
Phone/email	x5268, rlavarro@jcni.org x5134, jwatterman@jcni.org	

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

This ordinance amends the City's existing Earned Sick Days legislation to expand sick-leave protections for employees at businesses with fewer than 10 employees. Under existing law (§ 4-3. - Application), such employees are only entitled to accrue up to 40 hours of unpaid leave. These amendments will allow such employees to accrue up to 24 hours of paid leave and an additional 16 hours of unpaid leave. Thus, the amendments reduce the disparity in treatment of employees at big and small employers under City law. In addition, the amendments clarify sick-leave protections for employees subject to a collective bargaining agreement (CBA), whether the CBA is in effect or expired (*see* § 4-3(A)(12)).

I certify that all the facts presented herein are accurate.



Signature of Department Director

9/5/15

Date